COMMONWEALTH OMBUDSMAN INSIGHTS

Preventing and Managing Administrative Delay

This is the third edition of *Commonwealth Ombudsman Insights,* where we share examples of best practice and lessons from our work.

This edition focuses on preventing unreasonable delay in administrative action, as well as managing the impact of delay on individuals. This could be delay in decision-making, assessing a claim or processing an application.

We know that some causes of delay are outside the control of agencies. This edition provides guidance on preventing and managing delays that are within the control of agencies.

What is unreasonable administrative delay?

Unreasonable administrative delay arises when an agency fails to complete action within a particular timeframe. Often a timeframe is specified in legislation or an agency's policy.

Unreasonable administrative delay can occur for a range of reasons, including:

- requests for services exceeding agency capacity

- requests for services being complex

- issues receiving timely and relevant information from the individual requesting the service

- issues receiving timely and relevant information from third parties (for example other agencies or medical professionals)

- agency staff concerns about making incorrect or unsupported decisions.

Why is timeliness important?

Completing administrative action in a timely manner benefits individuals and agencies. The benefits include:

- minimising detriment for individuals claiming payments or other services

- improving client satisfaction, which in turn builds trust and confidence in the agency and government

- reducing an agency's workload due to fewer client contacts or requests for progress updates

- reducing complaints to agencies and oversight bodies including the Commonwealth Ombudsman.

What can be done to prevent unreasonable administrative delay?

The simplest way to manage the impact of administrative delay is to avoid delay in the first place.

The following strategies can be used to prevent unreasonable administrative delay.

Adopt a triage system

Agencies should adopt a system that allows requests for services to be triaged early and effectively. An effective triage system will improve the delivery of services and help to give each request the appropriate time and resources.

The following factors should be considered when triaging:

Vulnerabilities – Agencies should have a procedure for determining whether an individual has any vulnerabilities. These may include suicidal ideation, homelessness, financial hardship, a risk of losing services or experiencing deterioration in capacity. Requests by vulnerable individuals should be given priority and vulnerable individuals should be offered additional support services and referrals (see 'Support and referrals' on page 6).

Complexity – An effective triage system should allow agencies to identify complex requests that need a higher level of attention from staff with specialised knowledge and skill. Where appropriate agencies should establish a team for managing complex requests. The triage system should also enable simple requests to be identified and resolved quickly.

Correcting errors – Agencies should have a procedure that allows for simple errors to be corrected quickly. Such errors could include minor spelling errors by the individual requesting the service or an agency staff member.

Holistic client management – Where an agency receives multiple requests from the same individual, these should be linked together in the agency's system. All relevant requests and information should be accessible to decision-makers. This reduces the chance of duplication and promotes consistency in the delivery of all services to the individual.

Case study – Prioritising claims by vulnerable individuals

An agency has a procedure to determine whether its claimants are vulnerable. Where vulnerabilities are identified, the claim is given priority and staff must consider referral to a specialist team or social worker.

After a claim is registered staff must review the claim form and supporting documents to look for risk factors listed in the agency's procedural guide, including thinking about suicide, probable mental illness or disorder, physical disability, chronic pain, financial difficulties or unemployment. The guide does not provide an exhaustive list and staff may decide that an individual is vulnerable due to factors not listed.

The agency's staff decided that a particular claimant's circumstances did not warrant their claim being prioritised because their health condition was considered stable. After three months, the claim had not been allocated and the claimant's condition had worsened. The claimant informed the agency of their updated circumstances and requested that their claim be allocated urgently. This did not happen and the claimant complained to our Office about the delay in having their claim allocated.

We considered that the deterioration of the claimant's condition justified their claim being prioritised. Following this, the agency amended its procedural guide to provide that if an individual's circumstances have worsened, their claim must be allocated as a priority.

Staff training

Staff who are unable to perform their roles effectively may contribute to unreasonable administrative delay.

Agencies should have procedures in place to ensure new staff are properly inducted and equipped with the knowledge and skills required to perform their roles. This will support staff to progress requests for services at a reasonable pace and assist in preventing delays.

Agencies should continue to invest in the knowledge and skills of their staff by providing regular and ongoing training that is relevant to their role.

When experiencing backlogs, agencies often tend to reduce the time and resources devoted to staff training and reallocate resources to customer-facing activities. Providing staff with opportunities to do additional training to expand their capabilities can allow them to take on a broader range of work, which may increase the agency's capacity, improve its ability to deliver services quickly and ultimately avoid backlogs.

Guidance to decision-makers

A lack of confidence in decision-making on the part of agency delegates can contribute to unreasonable administrative delay, particularly where decisions are highly discretionary in nature or where decisions may have significant and adverse effects on individuals.

To ensure staff are supported to make timely decisions, agencies should provide clear and comprehensive guidance to support staff in their decision-making. The guidance should be reviewed regularly to ensure it reflects any changes to legislation or the operating environment and remains suitable.

Agencies should have procedures in place to provide assurance of the quality of decisions made by staff and that the results of quality assurance activities are used to identify gaps in staff knowledge. Agencies should ensure these gaps are adequately supported with updated guidance material. This can help to support staff make decisions more quickly and prevent unreasonable delay.

Case study – Providing clear guidance to decision-makers

Our Office received several complaints about delays in an agency's decision-making.

We conducted an own motion investigation into the causes of these delays and found that the agency's staff were struggling with a lack of information to support making discretionary decisions. Staff took time to consult colleagues, waited for additional evidence to arrive and referred matters to specialist teams. This added significant time to the decision-making process, which prolonged the period of uncertainty for applicants, and in many cases caused further stress during an already anxious time.

We found there was little guidance for staff to support them in making decisions that were adverse to an applicant.

We suggested that the agency improve its guidance materials to make clear what was required for a decision-maker to be satisfied (or not) of a particular fact, where that fact was material to whether or not a decision would be made in an applicant's favour. The agency followed our suggestion and updated its guidance materials accordingly.

Receiving information from the individual

Unreasonable administrative delay can occur because of incomplete or irrelevant information being provided by individuals seeking the services of the agency. Equally, individuals may take a long time to provide information or fail to provide the required information.

To minimise the impact of these situations, it is critical that agencies have mechanisms to support the timely receipt of information.

Agencies should communicate clearly what information individuals are required to provide to support decision-making processes. While the agency's website is a good place to publish this information, agencies should consider alternative ways of communicating with people who cannot access the internet, such as printed brochures available at the agency's customer centres. Agencies should provide access to translation services to assist individuals in overcoming language barriers.

Agencies should ensure their procedures support staff to determine quickly whether further information is required to support an administrative action and request the information in a timely manner.

Agencies should ensure they can receive information in various ways, to account for barriers faced by:

- those without internet access

- those with a disability

- those living in remote locations.

While agencies often set timeframes within which individuals must provide information, these should be adjusted (where possible) to account for an individual's circumstances. Agencies should consider providing extra time for individuals who cannot reasonably meet a timeframe due to a recognised vulnerability.

Agencies should also consider implementing a system that allows requests for services to be closed or paused where the individual fails to provide required information within a reasonable time. This would reduce the number of requests requiring action and help to avoid backlogs and resulting delay.

Receiving information from third parties

To complete administrative action agencies may require information from third parties, such as other government agencies and medical professionals. To avoid delay arising from third parties providing information late, incomplete, or incorrect, agencies should have a procedure that supports staff to determine quickly when further information is required from third parties and ensure staff request it in a timely manner.

Agencies that regularly rely on other organisations to provide information might consider ICT solutions that enable timely and accurate information sharing. Agencies may also consider implementing a protocol to govern the relationship and information sharing procedures more broadly. This could cover information sharing requirements, timeframes for information to be provided and important contacts.

Managing staff absences and turnover

Agencies should have mechanisms in place to prevent delays in requests being processed due to staff going on leave or departing the team or agency, including:

- a system of re-allocating work to ensure tasks remain assigned to a responsible staff member

- keeping relevant decision-making records up to date

- a system of securely storing relevant information so incoming staff can access it

- a procedure for inducting new staff that ensures they are provided with the training and support they need to commence their new role (see 'Staff training' and 'Guidance to decision-makers' on page 3).

What can be done to manage the impact of unreasonable administrative delay?

From time to time, unreasonable administrative delay will happen despite an agency's best efforts to avoid it. In these circumstances, early identification and management of delay is critical to mitigate the adverse impact on individuals. Agencies should implement the following strategies.

Develop and publish timeliness standards

The absence of timeliness standards for administrative action creates uncertainty and frustration for those waiting on action to be completed, which can lead to complaints.

Developing and publishing timeliness standards for services assists agencies to:

- manage expectations of individuals accessing the agency's services and reduce uncertainty

- mitigate the risk of increased work due to complaints and follow up contacts with individuals

- keep the agency accountable which will promote confidence in government.

To further manage expectations, agencies should make the current average timeframes for completing administrative action publicly available. These average timeframes should be re-assessed and re-published each financial year.

Communicate effectively

Agencies should provide staff with clear guidance on what to include in communication to individuals, in the form of:

- templates for communicating updates in writing

- talking points for communicating updates verbally.

Agencies should have procedures in place to guide staff communication with individuals in the following situations:

Acknowledging requests – Agencies should acknowledge receipt of a request for service promptly, regardless of how it is received. Acknowledgments should confirm the service requested, explain the next steps, provide a timeframe for completion and include a point of contact for enquiries. Agencies should develop and publish standard timeframes for acknowledgment after a request is received.

Progress updates – Agencies should update individuals on the status of their requests for services, either manually, through online portals, automated systems such as SMS messaging or tracking applications. Agencies should develop standard timeframes within which updates should be communicated and provided to staff. Progress updates can help to manage expectations and reduce work associated with responding to requests.

Requesting information – Agencies should put procedures in place to request information from individuals that would help to advance the completion of the request (see 'Receiving information from the individual' on page 4).

Delays – If it appears unlikely that an agency will complete action within a standard timeframe, or a timeframe provided to an individual, this should be recorded and communicated to the individual with an explanation and revised timeframe.

Backlogs – In situations where agencies are working through backlogs and it is difficult to provide firm timeframes, agencies should advise individuals accordingly and notify them promptly when their request has been allocated for action. Where multiple requests for services are likely to suffer from delay due to backlogs, agencies should consider initiating an outreach program to contact all affected individuals.

Case study – Repeated requests for progress updates

Our Office received a complaint about the time it was taking an agency to allocate the complainant's claim for financial support for assessment.

Our investigation found that the agency took over a year to allocate the claim to a staff member. During this time, the claimant was not receiving financial support and became increasingly stressed. We found the delay allocating the claim was due to a backlog of claims the agency was working through. The claimant had contacted the agency every month asking for updates. In some months, the claimant made multiple requests for updates. The agency never provided a timeframe to the claimant about when their claim would be allocated.

The agency's failure to provide progress updates to applicants impacted by the backlog resulted in time being spent responding to a series of update requests from the claimant. In each response, the agency advised that the status of the claim had not changed.

We consider that, while working through the backlog, the agency should have contacted claimants to advise the timeframes involved. Had it done so, claimants would have been assured their claims had not been overlooked and the agency would not have had to respond to multiple contacts from the claimant seeking progress updates.

Support and referrals

There are situations where delays are unavoidable and may have an adverse impact on individuals.

To mitigate the adverse impact of delay, agencies should provide support services to individuals who have been identified as vulnerable – for example, access to medical treatment, mental health support, income support or a social worker.

If agencies cannot provide the necessary support, they should refer individuals to appropriate service providers.

While offering support and referrals will not prevent the delay from occurring, it can improve satisfaction with the agency's service delivery and help to build trust with those impacted by the agency's delayed action.

More information is available at **ombudsman.gov.au**.

Resources and reports

Our website is a good place to access resources relating to best practice in administration.

We have previously published Insights Reports on effective communication with the public and managing unreasonable persistence.